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Compacts Allowing Tribal Casinos. Urban Areas. Initiative Constitutional Amendment.

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SA2005RF0057

January 25, 2005

Via Messenger

Ms. Tricia Knight
Initiative Coordinator
Attorney General's Office
1300 I Street, Suite 125
Sacramento, CA 94244-2500

RECEIVED
JAN 26 2005

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary – “The No Urban Casino Act”
(*Version Two*)

Dear Ms. Knight:

We hereby request that the Attorney General prepare a title and summary of Version One of a measure entitled “The No Urban Casino Act.” Please find enclosed the text of the measure, a check for \$200.00, the addresses at which we are registered to vote, and contact information.

Sincerely,

Thomas Davidoff

Norman La Force

THE NO URBAN CASINO ACT**SECTION 1. Title.**

This Act shall be known as and may be cited as "The No Urban Casino Act."

SECTION 2. Findings and Declarations of Purpose.

The people of the State of California find and declare that:

(a) Proposition 1A created a limited exception to California's anti-casino laws to save tribal gaming conducted on existing and largely rural Indian reservations. The proponents said that Proposition 1A was intended to: "keep the gaming we have on our reservations. ... If Proposition 1A fails, tribal gaming would face being shut down. ... Proposition 1A and federal law strictly limit Indian gaming to tribal land. The claim that casinos could be built anywhere is totally false. ... The majority of Indian Tribes are located on remote reservations...."

(b) Since Proposition 1A was adopted, Indian tribes and non-Indian developers have attempted to acquire land in urban areas to be used for tribal casinos. This was not the intent of the voters when they approved Proposition 1A. This Act therefore will clarify that Proposition 1A does not authorize tribal casinos in or near urban areas, and that Indian lands under Proposition 1A do not include land in or near urban areas.

(c) Urban tribal casinos are detrimental to the surrounding communities and state welfare. Urban tribal casinos damage surrounding businesses, cause severe traffic problems, and negatively impact housing, commuting, the environment, public safety and welfare, and the financial integrity of surrounding cities and counties. In addition, "reservation shopping" damages other gaming, including tribal casinos located on existing reservations, charity bingo games and racetracks. The location of any kind of tribal casinos in urban areas pursuant to 25 U.S.C. §2719(b)(1)(a) would be detrimental to the surrounding communities and contrary to state policy.

(d) This Act serves legitimate state interests in the health, safety and welfare of California's citizens. Where and how much casino gaming is appropriate are legislative choices involving important State policy choices and the exercise of the State's police power.

SECTION 3. Section 19 of Article IV of the California Constitution is amended to read:**SEC. 19**

(a) The Legislature has no power to authorize lotteries and shall prohibit the sale of lottery tickets in the State.

(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.

(c) Notwithstanding subdivision (a), the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes.

(d) Notwithstanding subdivision (a), there is authorized the establishment of a California State Lottery.

(e) The Legislature has no power to authorize, and shall prohibit casinos of the type currently operating in Nevada and New Jersey.

(f) Notwithstanding subdivisions (a) and (e), and any other provision of state law, the Governor is authorized to negotiate and conclude compacts, subject to ratification by the Legislature, for the operation of slot machines and for the conduct of lottery games and banking and percentage card games by federally recognized Indian tribes on Indian lands in California in accordance with federal law. Accordingly, slot machines, lottery games, and banking and percentage card games are hereby permitted to be conducted and operated on tribal lands subject to those compacts. This subdivision does not authorize or permit any compact that would allow a tribal casino located in an urban area.

(g) Notwithstanding subdivision (a), the Legislature may authorize private, nonprofit, eligible organizations, as defined by the Legislature, to conduct raffles as a funding mechanism to provide support for their own or another private, nonprofit, eligible organization's beneficial and charitable works, provided that (1) at least 90 percent of the gross receipts from the raffle go directly to beneficial or charitable purposes in California, and (2) any person who receives compensation in connection with the operation of a raffle is an employee of the private nonprofit organization that is conducting the raffle. The Legislature, two-thirds of the membership of each house concurring, may amend the percentage of gross receipts required by this subdivision to be dedicated to beneficial or charitable purposes by means of a statute that is signed by the Governor.

SECTION 4. As used in this Act, "Urban Area" means all land within 15 miles of any "Urbanized Area" as defined in the 2000 Census, except any land that, before the adoption of this Act, was both eligible for gaming and actually taken into trust for a tribe that was a party to a tribal-state gaming compact ratified by the Legislature on or before January 1, 2005.

SECTION 5. In the event that between January 1, 2005 and the effective date of this measure, legislation is enacted that is inconsistent with this measure, including any legislation ratifying a compact for an urban area, said legislation is void and repealed.

SECTION 6. The provisions of this Act are not in conflict with any initiative measure that appears on the same ballot. In the event that this Act and another measure that amends the Constitution regarding tribal casino gaming are adopted at the same election, the courts are hereby directed to reconcile their respective statutory provisions to the greatest extent possible and to give effect to every provision of both measures.

SECTION 7. If any provision of this Act or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Act that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Act are severable.